

## RESOLUTION NO. A-\_\_\_\_\_

## USE PERMIT NO. 129

1 WHEREAS, R. C. Krueger Development Company has submitted an application  
2 in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit  
3 No. 129 for authority to construct 115,000 square feet of commercial space on property  
4 generally located at South 14th Street, ½ mile south of Pine Lake Road, and legally described  
5 to wit:

6 A portion of Outlot "A" Vavrina Meadows located in Section 24,  
7 Township 9 North, Range 6 East and a portion of Lot 70 I.T.  
8 located in Section 24, township 9 North, Range 6 East of the 6th  
9 P.M., Lancaster County, Nebraska, more particularly described as  
10 follows:

11 Commencing at the West Quarter corner of Section 24, Township  
12 9 North, Range 6 East of the 6th P.M., Lancaster County,  
13 Nebraska and extending north 88 degrees 30 minutes 08 seconds  
14 east, 50.00 feet to the point of beginning; thence north 01 degrees  
15 56 minutes 43 seconds west, 358.42 feet; thence north 88  
16 degrees 03 minutes 20 seconds east, 566.47 feet; thence south  
17 01 degrees 56 minutes 43 seconds east, 1024.53 feet; thence  
18 south 88 degrees 29 minutes 50 seconds west, 565.55 feet;  
19 thence north 02 degrees 01 minutes 38 seconds west, 661.74 feet  
20 to the point of beginning, containing 13.29 acres;

21 WHEREAS, the real property adjacent to the area included within the site plan  
22 for this commercial development will not be adversely affected; and

23 WHEREAS, said site plan together with the terms and conditions hereinafter set  
24 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to  
25 promote the public health, safety, and general welfare.

26 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
27 Lincoln, Nebraska:

28 That the application of R. C. Krueger Development Company, hereinafter  
29 referred to as "Permittee", to construct 115,000 square feet of commercial space on the

1 property legally described above be and the same is hereby granted under the provisions of  
2 Section 27.31.100 of the Lincoln Municipal Code upon condition that construction and operation  
3 of said commercial space be in strict compliance with said application, the site plan, and the  
4 following additional express terms, conditions, and requirements:

5 1. This permit approves:

- 6 a. 115,000 square feet of commercial floor area.
- 7 b. A waiver of the required site plan information for each proposed  
8 use and approval of a list of uses subject to a provision that an  
9 administrative amendment is required to approve the development  
10 plan for any site to be used for drive thru facilities, convenience  
11 store/gas pumps and car washes.
- 12 c. A reduction of the front yard along south 15th Street from 50 feet  
13 to 0 feet and the reduction of the front yard along the north side of  
14 Vavrina Boulevard from 50 feet to 20 feet for parking and 40 feet  
15 for buildings.

16 2. The Planning Director may approve (but is not required to approve)  
17 administrative amendments to the use permit adjusting the floor areas of the listed uses as long  
18 as the total trips generated do not exceed the trips shown in the trip generation tables on the  
19 plans. In evaluating whether to approve such request the Director of Planning shall consider  
20 the entire amendment including impacts on the surrounding area.

21 3. Before receiving building permits:

- 22 a. The Permittee must submit a revised and reproducible final plan  
23 as approved along with five copies to the Planning Department.
- 24 b. The construction plans must conform to the approved plans.
- 25 c. Final plats within this use permit must be approved by the City.

1                   4.       Before operating and occupying each commercial use, all development  
2 and construction must be completed in conformance with the approved plans.

3                   5.       All privately-owned improvements including landscaping and private  
4 roadways must be permanently maintained by the Permittee or an appropriately established  
5 property owner association approved by the City Attorney.

6                   6.       The site plan approved by this permit shall be the basis for all  
7 interpretations of setbacks, yards, locations of buildings, location of parking and circulation  
8 elements, and similar matters.

9                   7.       The terms, conditions, and requirements of this resolution shall be  
10 binding and obligatory upon the Permittee, its successors and assigns. The building official  
11 shall report violations to the City Council which may revoke this use permit or take such other  
12 action as may be necessary to gain compliance.

13                  8.       The Permittee shall sign and return the City's letter of acceptance to the  
14 City Clerk within 30 days following approval of this use permit, provided, however, said 30-day  
15 period may be extended up to six months by administrative amendment. The City Clerk shall  
16 file a copy of the resolution approving this use permit and the letter of acceptance with the  
17 Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant